



US Army Corps
of Engineers
Alaska District

Public Notice of Application for Permit

Regulatory Division (1145)
CEPOA-RD
Post Office Box 6898
Elmendorf AFB, Alaska 99506-0898

PUBLIC NOTICE DATE: February 23, 2007

EXPIRATION DATE: March 9, 2007

REFERENCE NUMBER: POA-1980-93-R

WATERWAY: Tongass Narrows

Interested parties are hereby notified that an application has been received for a Department of the Army permit for certain work in waters of the United States as described below and shown on the attached plan.

APPLICANT: Trident Seafoods Corporation, 5303 Shilshole Avenue NW, Seattle, Washington 98107-4000.

LOCATION: The proposed project is located at within SW $\frac{1}{4}$ NE $\frac{1}{4}$ Section 30, T. 75 S., R. 91 E., Copper River Meridian; Latitude 55.3384° N., Longitude 131.6370° W.; at 720 Steadman Street, Ketchikan, Alaska.

PURPOSE: To provide additional vessel moorage at existing seafood processing operation.

WORK: Install two dolphins below mean high water (14.4 feet, relative to mean lower low water, 0.0), each comprised of one 24-inch and two 16-inch diameter steel piles.

COASTAL ZONE MANAGEMENT ACT CERTIFICATION: Section 307(c)(3) of the Coastal Zone, Management Act of 1972, as amended by 16 U.S.C. 1456(c)(3), requires the applicant to certify that the described activity affecting land or water uses in the Coastal Zone complies with the Alaska Coastal Management Program. A permit will not be issued until the Office of Project Management and Permitting, Department of Natural Resources has concurred with the applicant's certification.

PUBLIC HEARING: Any person may request, in writing, within the comment period specified in this notice, that a public hearing be held to consider this application. Requests for public hearings shall state, with particularity, reasons for holding a public hearing.

CULTURAL RESOURCES: The latest published version of the Alaska Heritage Resources Survey (AHRS) has been consulted for the presence or absence of historic properties, including those listed in or eligible for inclusion in the National Register of Historic Places. There are two unevaluated properties in the vicinity of the worksite. They are KET-490 and KET-491. However, because the property has been determined to be outside of the project area, no further action is required. Consultation of the AHRS constitutes the extent of cultural resource investigations by the District Engineer at this time. This application is being coordinated with

State Historic Preservation Officer (SHPO). Any comments SHPO may have concerning presently unknown archeological or historic data that may be lost or destroyed by work under the requested permit will be considered in our final assessment of the described work.

TRIBAL CONSULTATION: The Alaska District fully supports tribal self-governance and government-to-government relations between the Federal government and Federally recognized Tribes. This notice invites participation by agencies, Tribes, and members of the public in the Federal decision-making process. In addition, Tribes with protected rights or resources that could be significantly affected by a proposed Federal action (e.g., a permit decision) have the right to consult with the Alaska District on a government-to-government basis. Views of each Tribe regarding protected rights and resources will be accorded due consideration in this process. This Public Notice serves as notification to the Tribes within the area potentially affected by the proposed work and invites their participation in the Federal decision-making process regarding the protected Tribal right or resource. Consultation may be initiated by the affected Tribe upon written request to the District Engineer during the public comment period.

ENDANGERED SPECIES: Tongass Narrows is within the known or historic range of the Steller sea lion (*Eumetopias jubatus*) (eastern stock) and the endangered humpback whale (*Megaptera novaeangliae*). The project is not identified as designated or proposed critical habitat for any listed species. There are no Steller sea lion rookeries or haul out areas near the project site. The project area has been extensively developed for commercial and industrial use, and there is no undisturbed suitable habitat for the Steller sea lion or for the humpback whale. The project would include pile driving for the installation of the two dolphins. Noise from pile driving has the potential to adversely affect marine mammals, should they occupy the waters of Tongass Narrows in proximity to the activity. Consequently, it has been determined that the proposed activity may affect Stellar sea lion and humpback whale, should they occupy the project area during pile driving. Restrictions on the timing of pile driving would be necessary to ensure that the proposed action would not adversely affect these species. This application is being coordinated with the U.S. Fish and Wildlife Service and the National Marine Fisheries Service. Any comments they may have concerning endangered or threatened wildlife or plants or their critical habitat will be considered in our final assessment of the described work.

ESSENTIAL FISH HABITAT: The proposed work is being evaluated for possible effects to Essential Fish Habitat (EFH) pursuant to the Magnuson Stevens Fishery Conservation and Management Act of 1996 (MSFCMA), 16 U.S.C. et seq and associated federal regulations found at 50 CFR 600 Subpart K. EFH, including Habitat Areas of Particular Concern (HAPC), in the Alaska District are described for species managed under a federal Fishery Management Plans. We have reviewed the National Marine Fisheries Service (NMFS) and North Pacific Fishery Management Council's Final Environmental Impact Statement for Essential Fish Habitat Identification and Conservation in Alaska (April 2005) to locate and identify EFH in the vicinity of the proposed action. We have also reviewed the NMFS Environmental Assessment/Regulatory Impact Review/Regulatory Flexibility Analysis for Amendments 65/65/12/7/8 to the Bering Sea Aleutian Islands Groundfish Fishery Management Plan (#65), Gulf of Alaska Groundfish Fishery Management Plan (#65), Bering Sea Aleutian Islands Crab Fishery Management Plan (#12), Scallop Fishery Management Plan (#7), and the Salmon Fishery Management Plan (#8) and Regulatory Amendments to Provide Habitat Areas of Particular Concern (April 2005) to locate and identify HAPC in the vicinity of the proposed action.

The project is not located in any HAPC. Tongass Narrows in the vicinity of the proposed project is identified as EFH for a number of species of groundfish and salmon. We have determined that the proposed activity would not adversely affect EFH for juvenile and adult salmon and groundfish. Each of the two dolphins would occupy an area of approximately 275 square feet. The six pilings would result in a loss of less than 15 square feet of sub-tidal habitat. This Public Notice initiates

consultation requirements with the NMFS under the MSFCMA. We have insufficient information at this time to assess the cumulative effects of the proposed work on EFH, but cumulative effects will be considered in our final assessment of the described work. Any conservation recommendations regarding EFH for federally managed fish will also be considered in our final assessment of the described work.

EVALUATION: The decision whether to issue a permit will be based on an evaluation of the probable impacts including cumulative impacts of the proposed activity and its intended use on the public interest. Evaluation of the probable impacts, which the proposed activity may have on the public interest, requires a careful weighing of all the factors that become relevant in each particular case. The benefits, which reasonably may be expected to accrue from the proposal, must be balanced against its reasonably foreseeable detriments. The outcome of the general balancing process would determine whether to authorize a proposal, and if so, the conditions under which it will be allowed to occur. That decision should reflect the national concern for both protection and utilization of important resources. All factors, which may be relevant to the proposal, must be considered including the cumulative effects thereof. Among those are conservation, economics, aesthetics, general environmental concerns, wetlands, cultural values, fish and wildlife values, flood hazards, floodplain values, land use, navigation, shore erosion and accretion, recreation, water supply and conservation, water quality, energy needs, safety, food and fiber production, mineral needs, considerations of property ownership, and, in general, the needs and welfare of the people. For activities involving 404 discharges, a permit will be denied if the discharge that would be authorized by such permit would not comply with the Environmental Protection Agency's 404(b)(1) guidelines. Subject to the preceding sentence and any other applicable guidelines or criteria (see Sections 320.2 and 320.3), a permit will be granted unless the District Engineer determines that it would be contrary to the public interest.

The Corps of Engineers is soliciting comments from the public; Federal, State, and local agencies and officials; Indian Tribes; and other interested parties in order to consider and evaluate the impacts of this proposed activity. Any comments received will be considered by the Corps of Engineers to determine whether to issue, modify, condition or deny a permit for this proposal. To make this decision, comments are used to assess impacts on endangered species, historic properties, water quality, general environmental effects, and the other public interest factors listed above. Comments are used in the preparation of an Environmental Assessment and/or an Environmental Impact Statement pursuant to the National Environmental Policy Act. Comments are also used to determine the need for a public hearing and to determine the overall public interest of the proposed activity.

Comments on the described work, with the reference number, should reach this office no later than the expiration date of this Public Notice to become part of the record and be considered in the decision. Please contact Ms. Robin Leighty at (907) 753-2712, toll free from within Alaska at (800) 478-2712, or by email at robin.l.leighty@poa02.usace.army.mil if further information is desired concerning this notice.

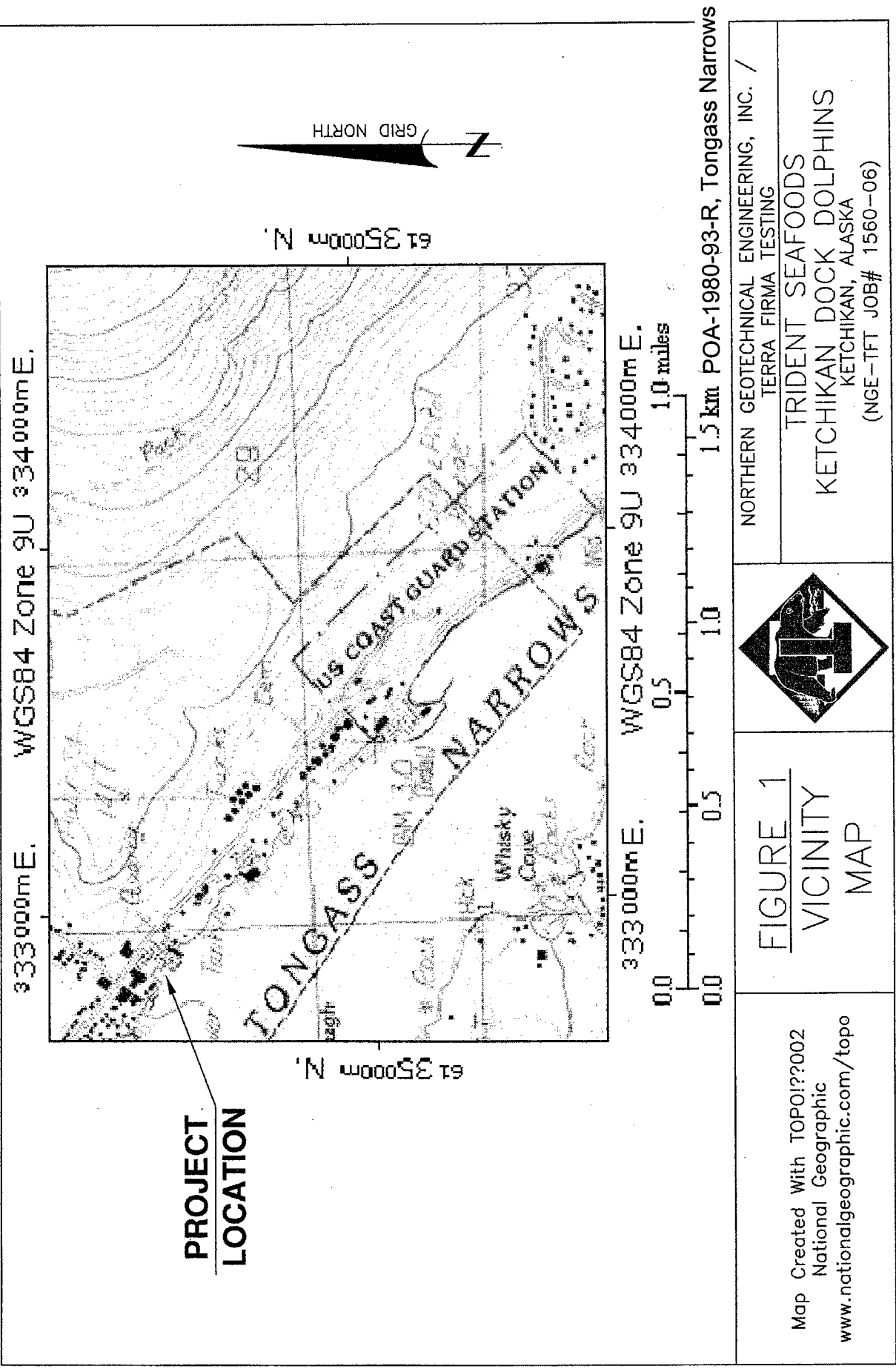
AUTHORITY: This permit will be issued or denied under the following authorities:

(X) Perform work in or affecting navigable waters of the United States - Section 10 Rivers and Harbors Act 1899 (33 U.S.C. 403).

A plan, Notice of Application for Certification of Consistency with the Alaska Coastal Management Program, and Notice of Application for State Water Quality Certification are attached to this Public Notice.

District Engineer
U.S. Army, Corps of Engineers

Attachments



Map Created With TOPO!??002
National Geographic
www.nationalgeographic.com/topo



FIGURE 1
VICINITY
MAP

NORTHERN GEOTECHNICAL ENGINEERING, INC. /
TERRA FIRMA TESTING

TRIDENT SEAFOODS
KETCHIKAN DOCK DOLPHINS
KETCHIKAN, ALASKA
(NGE-TFT JOB# 1560-06)

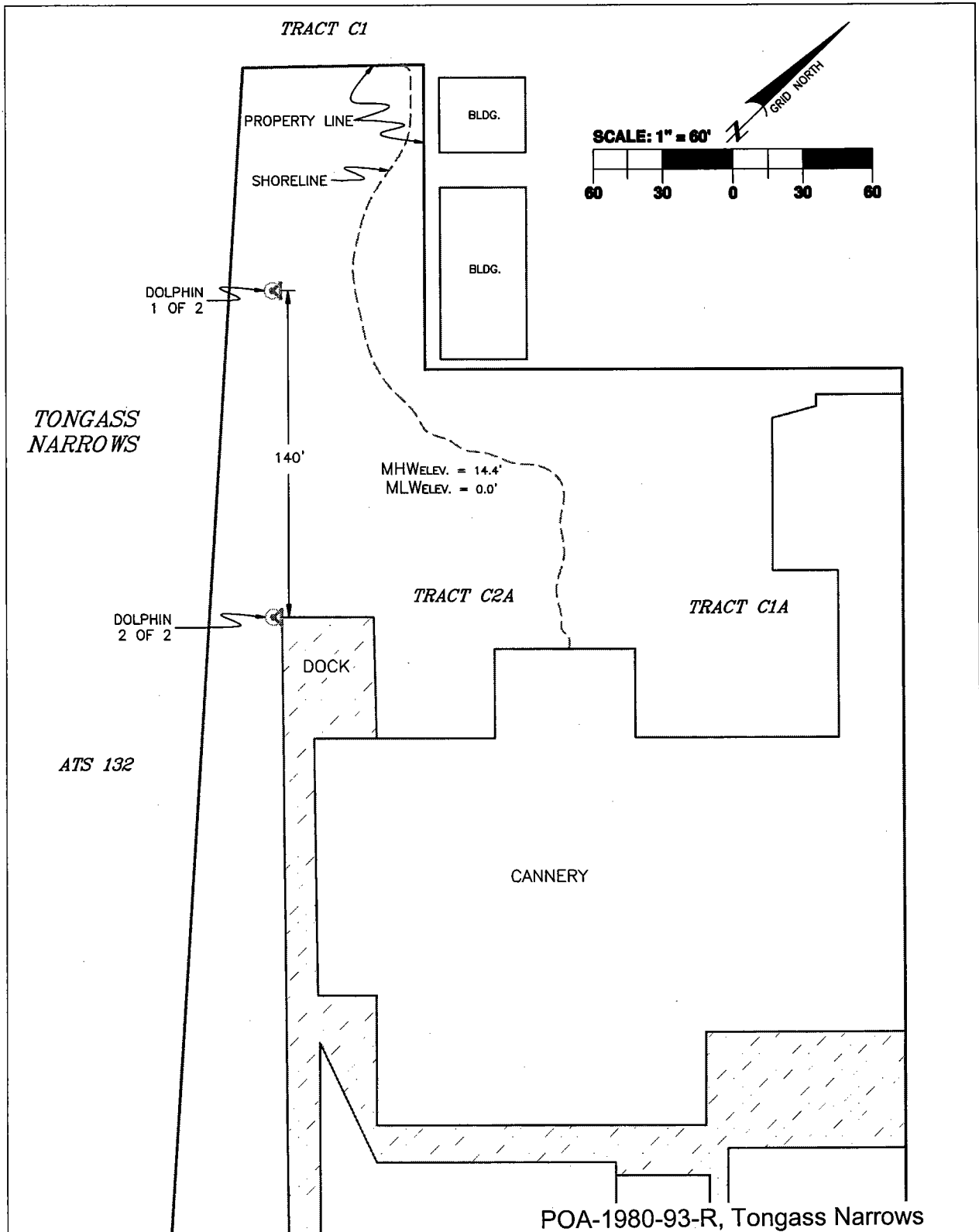
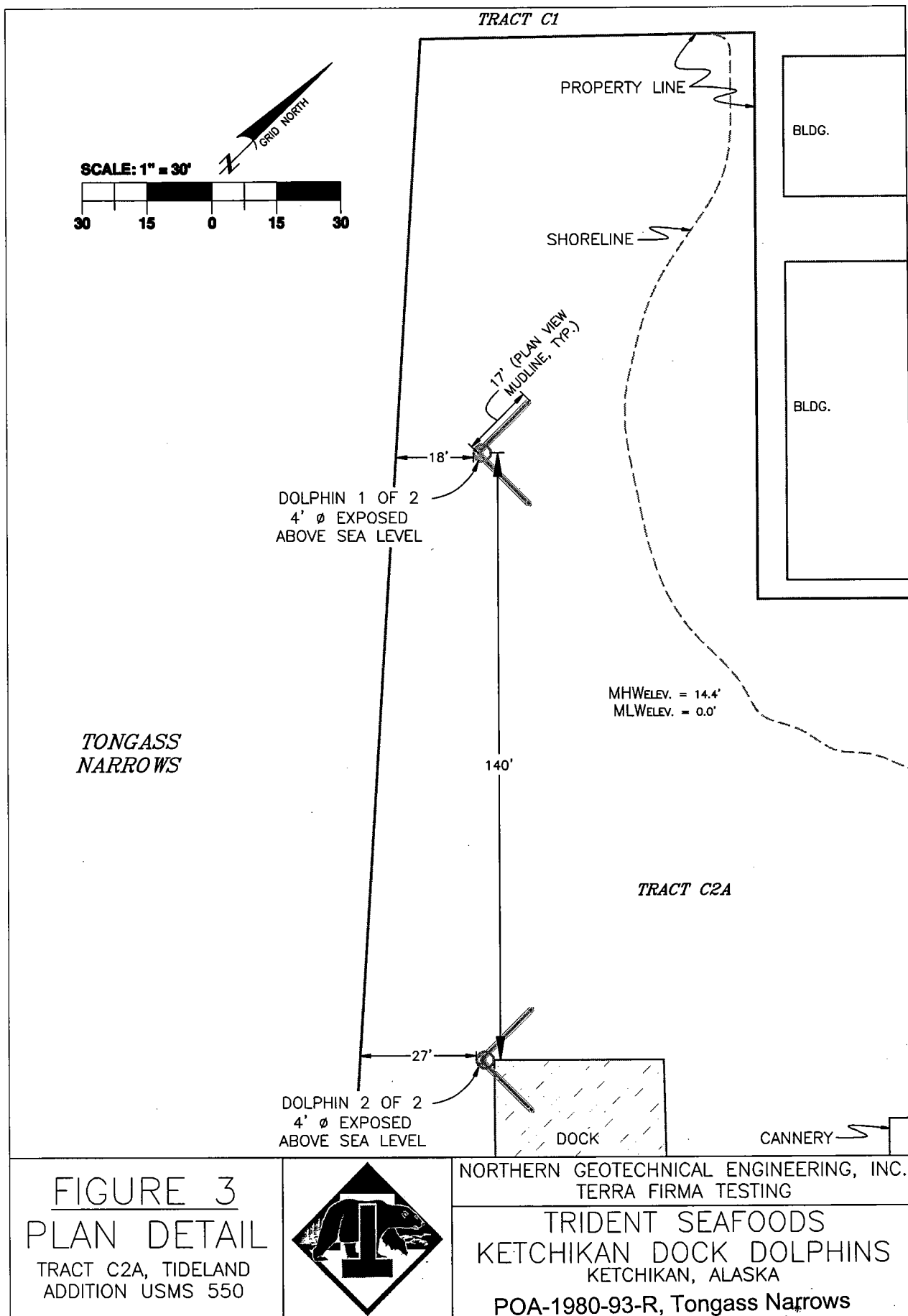


FIGURE 2
PLAN LAYOUT
 TRACT C2A, TIDELAND
 ADDITION USMS 550



NORTHERN GEOTECHNICAL ENGINEERING, INC.
 TERRA FIRMA TESTING

TRIDENT SEAFOODS
 KETCHIKAN DOCK DOLPHINS
 KETCHIKAN, ALASKA
 (NGE-TFT JOB# 1560-06)



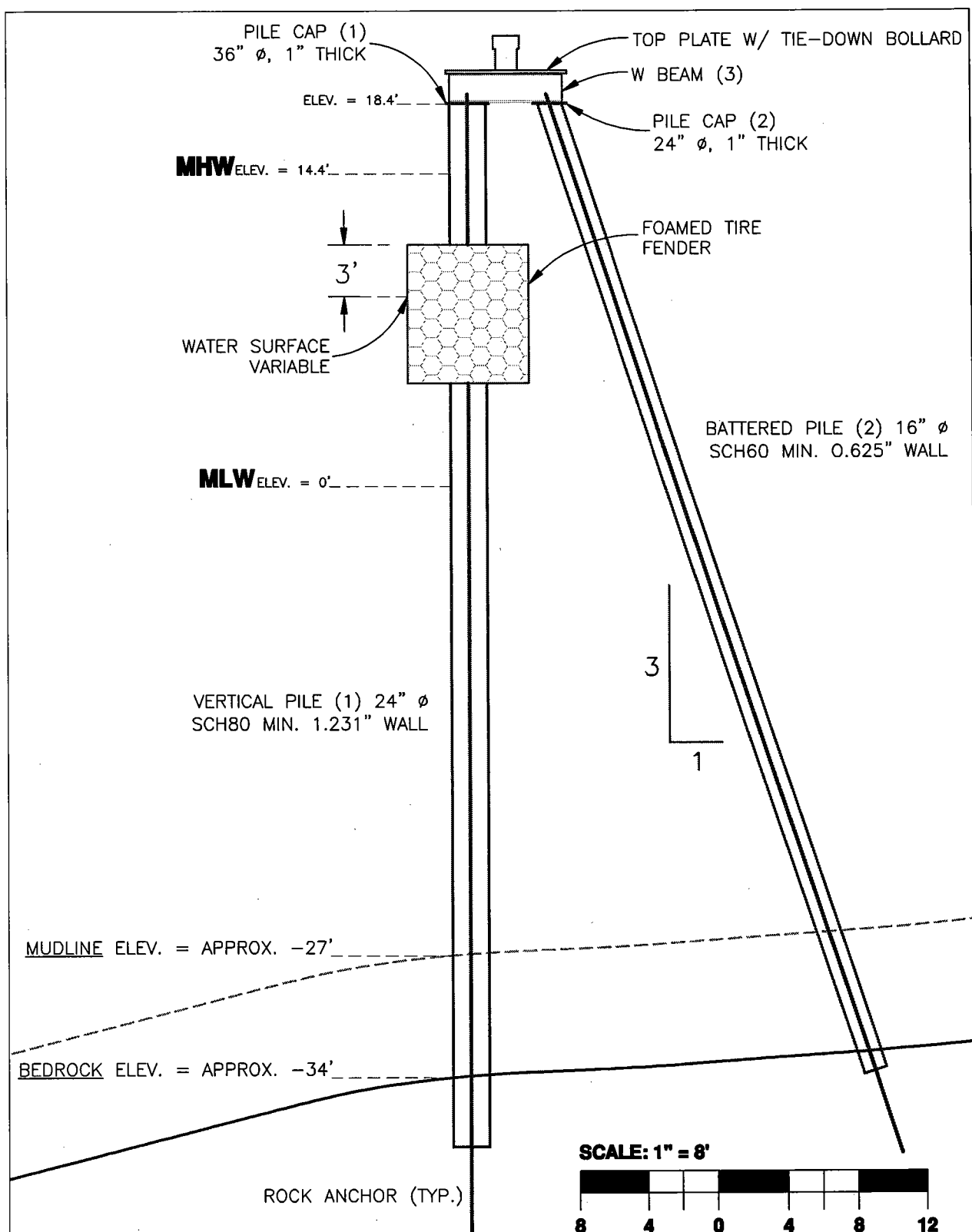


FIGURE 4
 DOLPHIN
 PROFILE



NORTHERN GEOTECHNICAL ENGINEERING, INC.
 TERRA FIRMA TESTING

TRIDENT SEAFOODS
 KETCHIKAN DOCK DOLPHINS
 KETCHIKAN, ALASKA

POA-1980-93-R, Tongass Narrows

STATE OF ALASKA

DEPARTMENT OF NATURAL RESOURCES
OFFICE OF PROJECT MANAGEMENT AND PERMITTING

OFFICE OF PROJECT MANAGEMENT AND PERMITTING
POST OFFICE BOX 111030, MS 1030
JUNEAU, ALASKA 99801-1030
PHONE: (907) 465-3562/FAX: (907) 465-3075

NOTICE OF APPLICATION FOR CERTIFICATION OF CONSISTENCY WITH THE ALASKA COASTAL MANAGEMENT PROGRAM

Notice is hereby given that a request is being filed with the Office of Project Management and Permitting for a consistency determination, as provided in Section 307(c)(3) of the Coastal Zone Management Act of 1972, as amended [16 U.S.C. 1456(c)(3)], that the project described in the Corps of Engineers Public Notice No.: **POA-1980-93-R, Tongass Narrows**, will comply with the Alaska Coastal Management Program and that the project will be conducted in a manner consistent with that program.

This project is being reviewed for consistency with the Alaska Coastal Management Program. Written comments about the consistency of the project with the applicable ACMP statewide standards and district policies must be submitted to the Office of Project Management and Permitting. For information about this consistency review, contact OPMP at (907) 269-7470 or (907) 465-3562, or visit the ACMP web site at <http://www.gov.state.ak.us/gdc/Projects/projects.html>.

STATE OF ALASKA

DEPT. OF ENVIRONMENTAL CONSERVATION

DIVISION OF WATER

401 Certification Program

Non-Point Source Water Pollution Control Program

NOTICE OF APPLICATION FOR STATE WATER QUALITY CERTIFICATION

Any applicant for a federal license or permit to conduct an activity that might result in a discharge into navigable waters, in accordance with Section 401 of the Clean Water Act of 1977 (PL95-217), also must apply for and obtain certification from the Alaska Department of Environmental Conservation that the discharge will comply with the Clean Water Act, the Alaska Water Quality Standards, and other applicable State laws. By agreement between the U.S. Army Corps of Engineers and the Department of Environmental Conservation, application for a Department of the Army permit to discharge dredged or fill material into navigable waters under Section 404 of the Clean Water Act also may serve as application for State Water Quality Certification.

Notice is hereby given that the application for a Department of the Army Permit described in the Corps of Engineers' Public Notice No.: **POA-1980-93-R, Tongass Narrows**, serves as application for State Water Quality Certification from the Department of Environmental Conservation.

After reviewing the application, the Department may certify that there is reasonable assurance that the activity, and any discharge that might result, will comply with the Clean Water Act, the Alaska Water Quality Standards, and other applicable State laws. The Department also may deny or waive certification.

Any person desiring to comment on the project with respect to Water Quality Certification may submit written comments within 30 days of the date of the Corps of Engineer's Public Notice to:

Department of Environmental Conservation
WQM/401 Certification
410 Willoughby Avenue
Juneau, Alaska 99801-1795
Telephone: (907) 465-5321
FAX: (907) 465-5274